



Charleston's Efforts to Improve Pretrial Justice

Perspectives from Indigent Defense

Assessing Pretrial Systems

Questions to Ask

- ☑ What are the goals of our pretrial system?
- ☑ Are those goals being met? Why/Why not?
- ☑ What are the demographics and risk profiles of the pretrial population?
- ☑ How are pretrial defendants currently managed?
- ☑ What are the policies and procedures of individuals and agencies that are part of pretrial decision-making?
- ☑ What statutes govern local pretrial decision-making?
- ☑ How does local practice compare to national standards?

Source: *Creating an Effective Pretrial Program: A Toolkit for Practitioners*, (2013) Danford and Guevara



Typical Bond Hearing: 24 Hours



The Court receives criminal history (full RAP sheet) & charging document from officers, may have only **minutes** to process important information.

Indigent defendant not likely to speak with anyone that can give **information** about bond process prior to hearing. Little to no information gathered on his/her **indigence** or ability to pay.



Brief discourse between judge and defendant at bond hearing followed by **release** decision (conditions of a personal recognizance or financial bond per charge). **Private attorneys** are present to participate in hearing.

Minimal monitoring. Bond court unaware of defendants' ultimate **pretrial outcomes** (new arrests, FTA).



Why Care?

- ▶ Jail has a criminogenic effect (Smith, Goggin, & Gendreau 2002)
- ▶ Detention pretrial is related to type and length of sentence; pretrial detainees are more likely to be convicted and given harsher sentences. (Goldkamp, 1979, Freed & Wald, 1964, Schlesinger, 2005 & 2007)
- ▶ Over-reliance on incarceration has been found to violate traditional jurisprudential principles, disregard research on the ineffectiveness and harmful effects of some policies, and exacerbate racial disparities in the criminal justices system. (Western, Travis, and Redburn, 2014)
- ▶ Subjecting lower risk defendants to detention or other intensive alternatives to detention is ineffective and harmful. (VanNostrand & Keebler, 2009)
- ▶ Monetary based pretrial release systems afford higher risk defendants to be released pending pretrial. (VanNostrand, Lowenkamp, & Holsinger, 2013P)



Detention of Low Risk Defendants is Harmful

- ▶ Detaining low- and moderate-risk defendants is **strongly correlated with higher rates of new criminal activity**
- ▶ Compared to like defendants held less than 24 hours, **low risk defendants held:**
 - **2–3 days are almost 40% more likely** to commit new crimes
 - **8–14 days are 51% more likely** to commit another crime within two years after completion of their cases

Source: Lowenkamp, VanNorstrand, & Holsinger (2013). The Hidden Costs of Pretrial Detention. Laura and John Arnold Foundation.

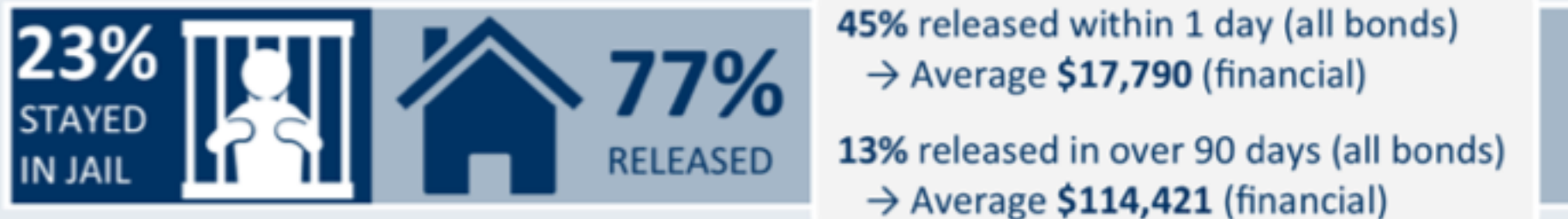


Baseline Pretrial Outcomes Study (CY 2014)

WHAT KINDS OF BONDS WERE SET?



HOW MANY RELEASED PRETRIAL?



Data source: Baseline Outcome Study completed by CICC in 2017 using data for 2014.



Central Bond Court in Charleston Today: 24 Hours



The Court receives criminal history (RAP sheet), charging document from officers, **risk assessment**, a **summary** of RAP sheet and prior local bookings from **pretrial staff**.

Defendants receive **information** about bond process if participating in pretrial interview, information is gathered on **indigence**, and opportunity to speak with **public defenders** prior to hearing (if eligible).



Bond hearing more likely to include **defense input & structured discussion** on defendant's risk of pretrial success or failure.

Follow-through monitoring of cases is happening. Bond court **aware of pretrial outcomes** (in aggregate) and ability to track bonds set.



Progress

- ▶ 7-1-17 through 6-30-18, 1,475 interviews performed by pretrial staff resulted in representation at bond court
 - Roughly 35% request a public defender and nearly all that request one qualify
- ▶ At a charge level (2014-2017):
 - General Sessions bonds increased PRs by 29%; PD FY17 PR's +6% = 400 D.
 - Summary bonds increased PRs by 22%; PD FY17 PR's = +5% = 200 D.
- ▶ At an incident level (2014-2017):
 - General Sessions financials fell from 79% to 67% (-12%)
 - Summary remained mostly PR, grew 58% to 80% (+22%)

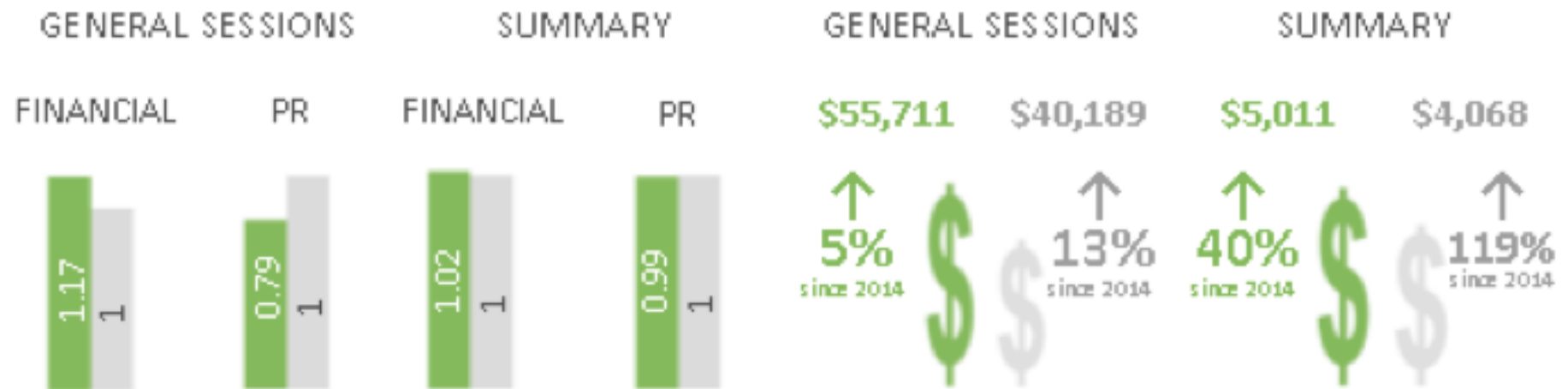


Disproportionality in Bond Setting (2014–2017)

BOND SETTING

BOND TYPE BY COURT

Black: White RRI (2017)



Baseline Pretrial Outcomes (CY 2014)

WHAT HAPPENED AFTER PRETRIAL RELEASE?

75%
RETURNED
TO JAIL



HOW OFTEN DID DIFFERENT BOND TYPES RETURN TO JAIL?



FINANCIAL



PERSONAL RECOGNIZANCE

WHY DID THEY RETURN TO JAIL?

75%
NEW ARRESTS



20%
BENCH
WARRANTS

5% OTHER



WE HAVE A PUBLIC SAFETY PROBLEM. WHAT ARE WE DOING ABOUT IT?



Pretrial assessment tool



Reduced time to disposition



Automated court reminders



Exploration of other legal and evidence based options* (e.g., risk based supervision and compliance monitoring)

Data source: Baseline Outcome Study completed by CJCC in 2017 using data for 2014.

* National Institute of Corrections. 2017. A Framework for Pretrial Justice: Essential Elements of an Effective Pretrial System and Agency.



Progress and Next Steps

- ▶ Launched the Pretrial Services Report into CBC on 01/08/2018, includes the VPRAI-R
 - Ongoing quality assurance
 - Gradually increasing reach rate
 - Growing feedback loops to assist with judicial concurrence
- ▶ Court reminders: One municipality and General Sessions
- ▶ VPRAI-R Process and Validation Studies
- ▶ Develop more pretrial service options to improve outcomes



Challenges

- ▶ Change is hard
 - Logistics and technology
 - Attitudes and Perceptions
 - Vertical representation proved more challenging than anticipated
 - Timing is everything
- ▶ Patience is a virtue
 - Maintain focus and careful study
 - Continually adapt as needed to increase reach rate
 - Dispel the myths
 - Garner support, one step at a time



Thank you!

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Thank you!

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